

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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QUAHSYM PARKER,

Petitioner, **ORDER**
-against- 23 Civ. 5921 (PMH)(JCM)

SUPERINTENDENT OF COXSACKIE
CORRECTIONAL FACILITY,

Respondent.

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On July 10, 2023, Petitioner Quahsym Parker (“Petitioner”) filed a petition for a writ of habeas corpus (the “Petition”). (Docket No. 1). In its opposition to the Petition, Respondent Superintendent of Coxsackie Correctional Facility (“Respondent”) asserts, in part, that the Petition is untimely since Petitioner’s New York Criminal Procedure Law § 440.10 motion tolled the one-year limitation period only until the Appellate Division’s denial on June 8, 2022. (Docket No. 13 at 6). However, Petitioner disagrees and maintains in his reply that he did not receive the Appellate Division’s June 8, 2022 denial until March 2023. (Docket No. 17 at 5).

Accordingly, by December 20, 2024, Respondent is directed to respond to this allegation and provide proof, if any, of when the June 8, 2022 denial was served upon Petitioner.

The Clerk is respectfully requested to mail a copy of this order to the *pro se* Petitioner.

Dated: December 5, 2024
White Plains, New York

SO ORDERED:


JUDITH C. McCARTHY
United States Magistrate Judge